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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,254	10/22/2001	Klaus Blinn	TER-99P3268	3331

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EXAMINER

SELF, SHELLEY M

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 03/28/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,254

Applicant(s)

BLINN ET AL.

Examiner

Shelley Self

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9-15 is/are rejected.
- 7) ☒ Claim(s) 4-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed on February 27, 2003 under 37 CFR 1.131 has been considered but is ineffective to overcome the prior art reference and an action on the merits follows.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 9, 10, 11, 12, 13, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tezuka (3,416,439) in view of Klingel (4,869,141). Tezuka discloses a press comprising a base plate (1), a frame (4), a ram (6) displaceably guided on the frame (4), and a ram head (2) mounted to said ram and rotatable relative to said frame and a centrally disposed mounting means (7) between the ram head (2) and the ram (6). Tezuka does not disclose a centrally disposed bolt connected to said ram for rotationally mounting said ram head to said ram.

Additionally, Klingel teaches the use of a single centrally mounted ram (30) having a rotatable ram head (34a). Because the references are from a closely related art, it would have been obvious to one having ordinary skill in the art to replace Tezuka's plural rams (6) with one centrally mounted ram so as to reduce forces on the frame as taught by Klingel and provide enhanced structure.

Art Unit: 3725

As to the centrally disposed bolt (clms. 1-3, 11, 12, 15) as a connection means to mount the ram head to the ram, Tezuka does not disclose a bolt. Tezuka does however disclose a mounting means (7, 8) to secure the ram head (2) to the ram (6). It would have been obvious to one having ordinary skill in the art at the time of the invention to replace Tezuka's securing/mounting/sustaining means with any securing/mounting/sustaining (i.e. bolt, screw, nail, clamp, etc...) means, the specific selection of a bolt is one of a mechanical expedient and requires only routine skill in the art.

With regard to claim 9, Tezuka discloses an extension centering the ram and ram head (13).

With regard to claim 10, Tezuka discloses a ram vertically movable hydraulically with only said ram head being rotatable about said frame (col. 3, lines 40-43).

With regard to claim 13, Tezuka discloses compressed objects of bulky parts (col1, lines 15).

Allowable Subject Matter

Claims 4-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments have been carefully considered but are not deemed persuasive. Applicant's arguments are drawn to failure of Tezuka to disclose a concentrically mounted ram

Art Unit: 3725

head with respect to a ram and frame and a ram head having a centrally disposed bolt. The argument is not persuasive, because Tezuka clearly discloses a ram head (2) that is concentrically (i.e. centrally located) mounted with respect to the press frame (fig. 1).

Additionally the newly applied secondary teachings of Klingel (reference made of record in the previous Office Action) clearly disclose the use of a single centrally mounted ram with respect to the frame; having a concentrically mounted ram head (fig. 6). As to the centrally disposed bolt, to mount the ram head to the ram, as noted above, Tezuka teaches the use of mounting means to adhere the ram head to the ram. The specific selection of any bolt is one of a mechanical expedient and requires only routine skill in the art.

Conclusion

Klingel reference was made of record in the previous Office Action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3725

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (703) 305-5299. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Allen Ostrager can be reached at (703) 308-3136. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SSelf
March 25, 2003



Primary Examiner